

REMARKS

Claims 1, 3-11, 13-15, 17-30, and 32-41 are now pending in the application. Claims 1 and 34 are now amended to recite "such that the implant is secured between the fastening device and the anchor." This feature is present in allowed Claims 19 and 39. Therefore, this feature was previously considered and searched by the Examiner and does not constitute new matter. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

TELEPHONIC INTERVIEW

Applicant's representative, Brent Seitz, thanks Examiner Araj for the courtesies extended during the telephonic interview of February 16, 2006. During the interview, the Examiner indicated that Applicant would be permitted to amend Claims 1 and 34 to recite "such that the implant is secured between the fastening device and the anchor." The Examiner indicated that such amendments may place the rejected claims into a condition for allowance.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3-11, 13-15, 17, 18 and 34-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultheiss et al. (U.S. Pat. No. 6,755,835) in view of Wolf (U.S. Pat. No. 6,629,977). This rejection is respectfully traversed.

Amended Claims 1 and 34 each recite, in part, "such that the implant is secured between the fastening device and the anchor."

The Schultheiss et al. reference appears to disclose a bone screw. However, the Schultheiss et al. reference fails to disclose or alone suggest an implant secured between a fastening device and an anchor, as set forth in amended Claims 1 and 34.

The Wolf reference appears to disclose a bioresorbable interference screw. However, the Wolf reference fails to disclose or suggest an implant secured between a fastening device and an anchor, as set forth in amended Claims 1 and 34.

Both the Schultheiss et al. and the Wolf references fail to disclose or suggest an implant secured between a fastening device and an anchor, as set forth in amended Claims 1 and 34. Therefore, combination of the Schultheiss et al. and the Wolf references fails to render this feature of amended Claims 1 and 34 obvious.

Applicant respectfully requests reconsideration and withdrawal of this Section 103 rejection.

ALLOWED CLAIMS

Claims 19-33 and 39-41 are now allowed. Applicant thanks the Examiner for recognizing the allowable subject matter of these claims.

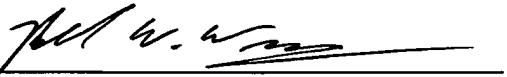
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Feb. 23, 2004

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